



## *Land Use and Zoning Meeting Minutes*

*November 19, 2009*

STAFF:	David Radachy
DATE:	November 19, 2009
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:33 p.m. by Chairman Terriaco.

Attendance was taken by sign in sheet. The following members were present: Messrs., Bodnar, Klco, Kenyon, Terriaco and Welch, and Ms. Ross and Ms. Diak. Staff: David Radachy.

Mr. Terriaco asked for any comments from the public. Nobody from the public was in attendance.

Mr. Terriaco asked Mr. Radachy to present the cases. There was one case.

### **Concord Township – District Change 16.1 Acres from R-1 to R-3**

Staff stated that the owner was Gray Fox Ltd., which is controlled by the same group that created Gabriel's Edge in Concord Township. Gabriel's Edge is a single-family detached condominium development adjacent to St. Gabriel's Catholic Church on SR 84. The developer of the property created the text that allows for single family detached condominiums in R-3 in order to create Gabriel's Edge. He wishes to do the same thing here.

Staff explained that the property that we are reviewing was in the process of being developed by the Cleveland Group. The Cleveland Group proposed to build 16 duplexes on the property, a total of 32 units on two roads. Cleveland Group started the project and built 3 duplexes, a total of six units and put them into a condominium association. The Cleveland Group sold the property to Gray Fox Ltd., who is asking for the zoning to be changed to R-3 in order to allow single family detached condominiums. Staff referred the committee to the drawing in the handout that shows the developer's proposal of single family detached condominiums.

Staff showed the zoning of the area, which is R-1. Staff stated that there is R-3 and B-1 in the area. Staff stated that one of the sections of B-1 is used as multi-family. When it was done, multi-family was a permitted use in B-1, now it is non-conforming. Staff went over the land use in the area. 90% of the area is single family residential. The other uses in the area include duplexes, a fire station and an assisted living facility.

Staff explained that Concord Township Zoning Section 6.07 allows for more than one building to be built on a zoning lot of record. This section has been interpreted to allow duplexes to become condominiums throughout Concord Township. Staff stated that there is a memo from the Township on this issue in their packets.

Staff showed the comprehensive plan map of the site. It showed the area to be single family and it encourages residential conservation development (RCD) for sites. Staff went on to state that the Concord Township Comprehensive Plan does call for a limited amount of smaller-scale cluster,

attached and senior housing in areas served by sewer and water services and conveniently located to retail. Staff stated that this site is conveniently located near retail: Kohls, Target and Creekside Commons is located at Old Johnnycake Ridge and Mentor Avenue. The Comprehensive Plan also states that the site must meet four criteria. It must be a transitional use, located adjacent to a major highway, it must be a constrained site and it must be in an area where the Township wishes to provide housing that support a community town center or mixed use area. Staff stated that this was not a transitional use and is not adjacent to a highway. It is not part of a mixed use area.

Staff stated that R-1 allows for duplexes and single family dwellings and because of Section 6.07, they can be built on one zoning lot and be condominiumized later. Staff stated that both single family dwelling units and duplex dwelling units could be condominiumized. R-1 density is 1.98 units per acre for single family, minimum lot size is 0.505 of an acre with sanity sewer and water. R-1 density is 2 units per acre for duplexes, one duplex (two units) per acre. Density for R-3 is 6 units per acre for single family detached clusters and 8 units per acre for attached dwellings. Staff stated once the zoning has been changed to R-3, there is no way to deny attached dwelling units because it is a permitted use.

Staff recommended that the township not accept the zoning district change because it did not conform to the 2004 Concord Township Comprehensive Plan. It does not meet the criteria for the smaller scale cluster use as defined in the plan. The density of R-3 would be too great for the neighborhood and all the uses allowed in R-3 would be allowed including the attached unit option.

Mr. Klco made a motion to accept the staff's recommend of the district change to not be made.  
Mr. Bodnar seconded the motion.

All voted "Aye".  
Motion passed.

Mr. Terriaco asked if there was any new business.

Staff stated that there was none

Mr. Terriaco asked if there was any old business.

There was none.

There was no public present for the second public comment.

The meeting was adjourned at 6:50 P.M.